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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,378	01/13/2006	Antoine Moulin	Q86683	3827
23373 7590 06/12/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER WYSZOMIERSKI, GEORGE P				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
06/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,378

Applicant(s)

MOULIN ET AL.

Examiner

George P. Wyszomierski

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/27/09 (RCE, Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2009 has been entered. Claims 12-22 are pending, with claims 12-16 and 21 withdrawn from consideration as directed to a non-elected invention.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higo et al. (PG Pub.No. 2001/0001049), in view of Claessens et al. (PG Pub.No. 2001/0007280) and Fujita et al. (PG Pub.No. 2004/0202889).

Higo discloses a process that includes preparing a steel slab, hot rolling, cold rolling, annealing for e.g. 35 seconds at 800.deg.C and cooling to 500.deg.C (see paragraph [0071] of Higo), followed by immersing the steel in a Zn or Zn-Al coating bath that is at about the latter temperature. With respect to the composition of the steel, the Abstract and paragraphs [0018] thru [0042] of Higo describe the composition of the prior art, and indicate that the prior art process is applicable to compositions as recited in the instant claims. With respect to claim 20, paragraph [0053] of Higo indicates that the bath of the prior art may be as defined in the instant

claim. With respect to claim 22, the manganese content as claimed overlaps that of paragraph [0023] of Higo.

Higo does not disclose any specific example of processing a steel slab "consisting of" the elements as recited in the instant claims, and does not specify the heating and cooling rates recited in the instant claims. However,

a) As indicated above, the Abstract and paragraphs [0018] thru [0042] of Higo indicate that the prior art process is amenable to being carried out upon compositions such as those recited in the instant claims.

b) As to heating and cooling rates, Claessens and Fujita indicate that the presently claimed rates are conventional in the art of producing galvanized steel sheets; see paragraphs [0067] thru [0080] of Claessens, and also paragraphs [0147] thru [0150] of Fujita as well as Tables 4 and 17 and their accompanying explanations in that reference. In both the Claessens and Fujita disclosures, the disclosed rates are directed to a process of hot rolling, cold rolling, reheating, cooling and galvanizing, i.e. a process analogous to that of Higo and also analogous to that of the instant claims.

These disclosures of Claessens et al. and Fujita et al. would have motivated one of ordinary skill in the art to employ the presently claimed heating and cooling rates when carrying out the process as disclosed by Higo et al.

4. In remarks filed with the present RCE, Applicant points out that no specific example of Higo is directed to processing a material "consisting of" the elements set forth in instant claim 17. While Applicant is correct on this point, the examiner submits that i) the instant claims are directed to a method not a composition, and that slight differences in compositions employed would not patentably distinguish the claimed

method from a substantially identical method of the prior art, and ii) in any event, the Higo reference indicates that the prior art method would be useful for processing compositions as defined in the instant claims. Any elements such as V and W that may be present in the specific examples of Higo, but not in the instant claims, are clearly indicated as being optional elements by Higo.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Wyszomierski whose telephone number is (571) 272-1252. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on (571) 272-1244. All patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Wyszomierski/
Primary Examiner
Art Unit 1793

GPW
June 11, 2009